



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Michael Nacmias, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 000835186K et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CORPORATION

Hearing Date : 2/10/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 350.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000835186K	Sustained	01/19/2024	ON W 68TH STBTWN BROADWAY AND

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	350.00

Total Penalty for Summons: 350.00

Findings of Facts & Conclusions of Law

Michael Grosso appeared for Petitioner, DEP. Lance Chebin appeared for Respondent, Penske Truck Leasing Corp., vehicle owner.

Respondent has been charged with New York City Administrative Code Section 24-163 for idling a vehicle motor engine for over three minutes.

Petitioner submitted two photos, a redacted complaint, and a video 3:40 minutes in length.

Petitioner stated that there is no refrigeration unit or liftgate on the vehicle, you can see the exhaust and hear the engine in the video.

Mr. Cheblin stated that it was snowing. It is common sense that the engine should be on especially if someone is sitting in the vehicle.

I credit the issuing officer's statement in the summons and Petitioner's evidence, and find that they establish the violation. It is undisputed that the engine was idling more than three minutes. Respondent has not established any defense or exemption to the charge. The violation is sustained and the mandatory penalty imposed.

Pch 3

02/12/2025

02/12/2025

Paula Mobley, Hearing Officer

Date

